



# City of Annapolis

Department of Planning & Zoning  
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## Historic Preservation Commission

September 10, 2013

### Closed Session

*Statement: Pursuant to the requirement of Maryland Annotated Code, State Government Article Section § 10-508 (a) (7): this statement is included in these minutes:*

*A closed session of the Historic Preservation Commission was held at 6:38pm, Tuesday, September 10, 2013 in City Council Chambers.*

**Commissioners Present:** *Chair Kennedy, Vice Chair Leahy, Finch, Zeno, Toews, Kabriel*

**Staff Present:** *Assistant City Attorney Elson, Craig, Hook-Recorder*

*Mr. Toews moved to close this session of the meeting for the purpose of consulting with counsel to obtain legal advice regarding recent developments in litigation cases involving the HPC. Ms. Zeno seconded the motion. On a vote of the majority of the members present the session was closed.*

*The authority under which the session was closed was Maryland Annotated Code, State Government Article, Section § 10-508 (a) (7):*

*The session topic was:*

*Discussion regarding recent developments in litigation cases involving the HPC.*

*Vice Chair Leahy moved to adjourn the closed session at 7:22pm. Mr. Toews seconded the motion. The motion passed unanimously in a vote of 6-0.*

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The Historic Preservation Commission (HPC) of the City of Annapolis reconvened its regularly scheduled meeting on September 10, 2013 in City Council Chambers at 7:39pm.

### C. ANNOUNCEMENTS

Ms. Craig noted that the HPC is meeting in the newly rehabilitated John T. Chambers City Council Chambers.

### D. VIOLATIONS

There were no violations reported.

### E. CONSENT DOCKET

- 4. 24 Fleet Street** - Brad Mollet – Construct new deck above existing patio and add lighting. **Approved subject to the applicant pulling in the deck one-foot inset on each corner; provide compatible finish treatment for the deck and railings; provide product specification for rear porch light; and contact staff for monitoring during excavation if more than 50-square feet of disturbance.**

**Vice Chair Leahy** moved approval of the application for 24 Fleet Street subject to the conditions noted above on the consent docket. Mr. Kabriel seconded the motion. The motion passed unanimously in a vote of 6-0.

F. OLD BUSINESS

1. **37 Cornhill Street** – Bryan Braley & Stacey Turner – Install new porch, fencing with gates, landscaping, window replacement, restoration of front stoop and door and tree removal.

Mr. Scott Paden met with staff and noted that as result of this meeting, a number of the requests will be removed from the application. He noted that there are three key elements requested:

- a) Would like to develop the garden to become part of the outdoor living space and have the ability to bring a vehicle on site
- b) Add a porch (already received an administrative adjustment in terms of setbacks)
- c) Would like to convert the attic space into a third bedroom

If the applicant receives approval on these three items then they can move forward with the application. Mr. Paden noted that the applicant will only be making in-kind exterior repairs.

**Public:** Public testimony opened at 9:57pm no one from the public spoke in favor or opposition of the application so **Chair** Kennedy declared the public testimony closed at 9:58pm.

**Commissioners:** **Chair** Kennedy clarified that without MHT easement approval, the HPC cannot move the application forward and the applicant acknowledged that they understood. The HPC asked several questions to which the applicant responded.

The following Commissioners made a site visit on this application.

Name
Kennedy, Leahy, Toews, Zeno, Kabriel, Finch

**Chair** Kennedy accepted the following exhibits into the record.

Exhibit Number	Exhibit Types
<b>A</b>	HPC Application time date stamped 6/13/13, 10:32am (6 separate PDF electronically)
<b>B</b>	Staff Memorandum dated 8/30/13
<b>C</b>	MHT Letter dated 5/14/13
<b>D</b>	Administrative Approval 8/19/13
<b>E</b>	HA, Inc. comments dated 9/10/13
<b>F</b>	MHT dated 6/7/13
<b>G</b>	MDOP Letter dated 6/27/13
<b>H</b>	Annapolis Landscape Architect Letter dated 9/30/13
<b>I</b>	Annapolis Architect Landscape Plan dated 6/7/2013
<b>J</b>	Window Condition Assessment dated 9/10/13
<b>K</b>	Davey Letter dated 9/10/13

Mr. Braley waived the 45-day rule to allow the application to be continued to a date no later than the December 10, 2013 hearing.

**Vice Chair** Leahy moved to continue the application for 37 Cornhill Street to no later than the December 10, 2013 hearing. Mr. Toews seconded the motion. The motion passed unanimously in a vote of 6-0.

G. NEW BUSINESS

1. **11 S. Acton Place** – Terrence T. Averill/Averill Architects – Construct a 2 ½ story addition with connecting glass corridor topped by a green roof and deck. Landscape alterations to include an addition of an in-ground pool.

**Chair** Kennedy discussed the protocol for application presentation for those members of the public who have never attended an HPC meeting.

Mr. Anthony Christhilf, Attorney, introduced those that would testify on the application on behalf of the applicant.

**Chair** Kennedy disclosed that Mr. Christhilf represents a client that she is in a lawsuit with so recused herself from hearing and voting on this case so turned the meeting over to **Vice Chair** Leahy.

*Lower Floor*

Mr. Averill pointed out the changes to the drawings since the original submission indicating that the drawings were made larger for members to review. He clarified that at the January hearing, the HPC requested that the proposal be reduced by 25%. Using the lower floor plan, noted that the conditions are the same except the addition has been pulled in and there is approximately 18-feet between the existing building and the mass of the original building. He noted that the lower floor of the addition is divided by a screen porch so that lower portion is kept as open as possible.

*Main Floor*

Mr. Averill explained that the living space is currently located on the main floor and is connected by the dining room. The proposal has moved all of the functions of the space closer to the building and pulled the play room into the existing building in order to reduce the square footage. The proposal is intended to minimize the surrounding neighbor's view of the addition so that only 12-feet of the actual building can be seen. He reminded the HPC that the applicant decided to move the Dutch Gambrel roof that is related to the existing house as far over as possible close to the office on the second level of the main house.

Mr. Averill briefly discussed the elevation map that showed the view of the right side of the building, the end of the cul-de-sac and the waterside views. He noted that the rear addition renovation was approved in 2006 or 2007 so some of the window patterns used in the new building relate to that addition and others relate to the original pattern of the house. He said that new to the application is the addition located behind the side of the house that faces Acton Hall.

Mr. Averill described the applicant, Mandy Whitely, who will be living in the house. The main floor is being designed to accommodate the three children that will reside therein. He addressed how the application addresses guideline B.1 that relates to visual between old and new stating that was intended to make the addition appear to be a separate building. The connector piece is of lower scale to not detract from the mass of the original building. He shared photographs of another project on Conduit Street that is highly visual from the water and indicated that those projects from 78-84 Conduit Street are more visible from the water than this addition.

Mr. Christhilf indicated that Mr. Schuman is available for questions and explained that he would have testified on how the application addressed stormwater management, FEMA floodplain, as well as construction that are issues that are not part of this application.

**Staff:** Ms. Craig opened with a review of the January 8, 2013 minutes that included HPC's response to the applicant on the original application submittal request. She restated the written comments addressed in the staff memorandum and recommended continuing the application due to insufficient information. The continuance would allow the applicant to consider the recommendations stated in staff report.

Mr. Dowling explained that there were changes made to further reduce the size of the addition; to differentiate the old from the new building; and subordinate the addition from the old building. He noted that the site has used the topography to mitigate the visual effect of the addition. The change in design with a link between the two buildings has further reduced the mass of the addition. He discussed his recommendations to further subordinate the addition to the building specifically the chimney elements on the water side be made more of a feature to break up the long horizontal line of the addition. The link between the new and existing buildings should be simplified into a straight line. The width of the office space on the third floor should be reduced to further lower the roof ridgeline of the new pavilion gambrel roof which would further subordinate the mass to the existing building. He suggested simplifying the details of the addition.

**Public:** Public testimony opened at 8:49pm and those speaking on the application are noted below.

Name	Address	In Favor	In Opposition	Commented On
Susan Ford	Attorney for Dodsons			
Jim Dodson	7 South Acton		X	
David Grasso	5 Acton Place			

Ms. Ford asked Mr. Averill several questions regarding the features of the house specifically the number of bedrooms and bathrooms. After the questions, she noted that the main concern is the visual relationship of the building to the immediate neighborhood. She explained that there needs to be clarification on the height issue from Planning and Zoning. She asked that the HPC give the letter from Donna Ware of HA, Inc. a lot of weight. She recommended that the application be denied as the massing is too large and concluded that this is a huge project that has not considered a set of regulations or internal renovations.

No one else from the public spoke in favor or opposition of the application so **Vice Chair** Leahy declared the public testimony closed at 9:42pm.

Mr. Christhilf gave a brief summation of the project that included a discussion on the impact, height and massing of the project. He asked the HPC to approve the application as submitted.

**Commissioners:** The HPC asked the applicant several clarifying questions specifically regarding Mr. Dodson's comments that relate to the relationship of the project to the immediate neighborhood and the view of the project from the water. A majority of the HPC supported continuing the application to allow the applicant to address the suggestions made by staff.

The applicant acknowledged the waiver of the 45-day rule made at a previous meeting.

Ms. Zeno moved to continue the application for 11 S. Acton Plan to allow the applicant to address the 14 items addressed in the staff report as well as the height restriction clarification from Planning and Zoning. **Vice Chair** Leahy made a friendly amendment to include a request for the submittal of construction preservation plans with archaeological monitoring; grading plans, details for the new doors; simplifying the detailing i.e. flatten and widen brick molding; simplifying curb railing on water side to a rectangular linear; and more detail on the plantings on the green roof. Ms. Zeno moved to accept the amendments to 11 Action Place noted above. Mr. Toews seconded the motion. The motion passed unanimously in a vote of 5-0.

The following Commissioners made a site visit on this application.

Name
Leahy, Toews, Zeno, Kabriel, Finch

**Vice Chair** Leahy accepted the following exhibits into the record.

Exhibit Number	Exhibit Types
<b>A</b>	HPC Application dated 8/15/13
<b>B</b>	Staff Memorandum dated 8/30/13
<b>C</b>	Dowling Letter dated 8/30/13
<b>D</b>	Dodson Letter dated 8/22/13
<b>E</b>	Gudenus Memo dated 8/28/13
<b>F</b>	Petition dated 9/6/13
<b>G</b>	HPC January 8, 2013 Meeting Minutes
<b>H</b>	Averill Response Letter to Mr. Dodson dated 8/29/13
<b>I</b>	Supplemental Information on Fence and Railing and Windows, Single Page undated
<b>J</b>	HA, Inc. comments dated 9/10/13
<b>K</b>	Photographs from 7 Acton Place submitted by applicants
<b>L</b>	Elevations Showing Changing Windows from Doors
<b>M</b>	Bay Engineering's Response to Gudenus Memo dated 8/23/13
<b>N</b>	Map of the Height District

2. **17 Southgate Avenue** – Amy Clements – Construct garden shed attached to rear of house.

Ms. Clements described the proposal to add an existing bump out to the back of the house and the removal of an existing shed to be replaced with a garden shed. The shed will be as environmentally friendly as possible so intends to include a green roof on the shed. The shed will allow for the storage of the garden tools. She addressed the HPC concerns regarding the windows and doors that were chosen. She agrees with staff recommendation on the detailing and plant selection but have questions on the door and fenestration of surrounding windows. Mr. Clements added that if they comply with staff's recommendation then the shed will not include the features that the applicant had intended. He noted that the shed is not visible.

**Staff:** Ms. Craig restated her written comments and the detailed recommendations as outlined in the staff report dated September 5, 2013.

**Public:** Public testimony opened at 10:06pm and those speaking are listed below.

Name	Address	In Favor	In Opposition
Donna Ware	HA, Inc.	X	

No one else from the public spoke in favor or opposition of the application so **Chair** Kennedy declared the public testimony closed at 10:15pm.

**Commissioners:** The HPC asked the applicant several clarifying questions relating to specific components of the project to which they responded. The applicant was asked to provide information on the number of transoms included in the application to which she responded seven.

**Vice Chair** Leahy noted that whereas the application for 17 Southgate Avenue complies with guidelines B.4, B.6, B.8, C.10 D.2, D.10a, D.15, D.18, D.28a, D.28b, and SOI #3, moved conditional approval subject to the applicant submitting revised drawings that indicate the materials being used on the exterior walls and the exact dimensions of the transoms that surround the French door and any appropriate detailing. Ms. Zeno seconded the motion. The motion passed unanimously in a vote of 6-0.

The following Commissioners made a site visit on this application.

Name
Kennedy, Leahy, Toews, Zeno, Kabriel

**Chair** Kennedy accepted the following exhibits into the record.

Exhibit Number	Exhibit Types
<b>A</b>	HPC Application date time stamped July 18, 2013, 1:27pm
<b>B</b>	Staff Memorandum dated 9/5/13
<b>C</b>	Supplemental Photo dated 9/10/13
<b>D</b>	Neighborhood Photo dated 9/10/13

**3. 60 Cornhill Street** – Liam O'Meara – Install curb-cut, re-grade courtyard, replace existing brick pavers, remove block wall and install wooden gate, install rain garden, tree removal and planting

Mr. Liam O'Meara purchased the house in 2009 because of the great courtyard that included two large trees hanging over the house. He summarized the proposal to remove the trees; redevelop the courtyard and to add a curb cut. Since the time of purchase, he noticed the hazards that the trees were causing specifically the fall hazard to the house; impediment to proper drainage from the house; root penetration to the foundation; and the root damage to the brick patio. After realizing the need to remove the tree to save the integrity of the home, he sought advice from the City Arborist who recommended that he seek advice from a professional arborist. The professional arborist advised him to consider removing the trees. He noted that since they were undertaking this work, they decided that the courtyard needed to be redeveloped and a curb cut to be added so that they are able to load and unload children easily.

**Staff:** Ms. Craig noted that the patio area, existing wall and the gate are noncontributing so comply with demolition guidelines. She restated her written comments and recommended approval subject to the applicant providing a redesigned drawing incorporating the brick pier and wood gate combination; submittal of the proposed hardware for approval; consulting of archaeologist in review of the site to determine if there is potential for archaeological discovery during excavation; necessary repointing and a test patch. Mr. Dowling addressed the parking and treatment of trees.

**Public:** Public testimony opened at 10:57pm and no one from the public spoke in favor or opposition of the application so **Chair** Kennedy declared the public testimony closed at 10:58pm.

**Commissioners:** The HPC asked the applicant several clarifying questions relating to the specific components of the project to which he responded.

The following Commissioners made a site visit on this application.

Name
Kennedy, Leahy, Toews, Zeno, Kabriel

**Chair** Kennedy accepted the following exhibits into the record.

Exhibit Number	Exhibit Types
<b>A</b>	Application date time stamped 8/15/13
<b>B</b>	Staff Memorandum dated 9/4/13
<b>C</b>	Dowling letter dated 8/29/13
<b>D</b>	O'Meara Response Letter dated 9/6/13
<b>E</b>	Supplemental Planter by Sketch 9/13/13
<b>F</b>	Support Letter from Potato Valley

Mr. O'Meara agreed to waive the 45 day rule. Mr. Kabriel moved to continue the application for 60 Cornhill Street to the administrative hearing on September 26, 2013 so that the applicant can provide further information on the design detail if a brick pier is chosen to anchor one side of the gate.

**Vice Chair** Leahy seconded the motion. The motion passed unanimously in a vote of 6-0.

It was noted that staff's recommendations will be included if approval is made, at the HPC administrative meeting.

**5. 15 Southgate Avenue** – Stanley & Catherine Halle – Construct new iron fencing with gates and a 12' x 12' swimming pool in rear yard. Install shutters and HVAC condenser units.

Ms. Deborah Schwab addressed the staff comments regarding the shutters indicating that the sizes are located on the architectural plans and offering to reproduce a sample of the original hardware. She addressed the question from DNEP regarding the height of the fence on the rear retaining wall and she inadvertently put 42" for the fence height so is amenable to raise the fence to 45". It was noted that the patio material should consist of brick pavers but asked if the applicant would consider concrete pavers. The applicant agrees to archaeological monitoring and noted that the HVAC screening is shown on the landscape plan.

**Staff:** Ms. Craig restated her written comments and recommended approval of the application as amended.

**Public:** Public testimony opened at 11:15pm and no one else from the public spoke in favor or opposition of the application so **Chair** Kennedy declared the public testimony closed at 11:16pm.

**Commissioners:** The HPC asked several questions of the applicant and his team to which they responded.

The following Commissioners made a site visit on this application.

Name
Leahy, Zeno, Kabriel

**Chair** Kennedy accepted the following exhibits into the record.

Exhibit Number	Exhibit Types
<b>A</b>	Application date time stamped 8/14/13, 10:56am
<b>B</b>	Staff Memorandum dated 9/5/13
<b>C</b>	Supplemental A11, A12, A12a dated 7/15/13

**Vice Chair** Leahy noted that whereas the application for the 15 Southgate Avenue complies with HPC guidelines B.1, C.1, C.4, C.6, C.9, C.11, D.1, D.6, D.29, SOI standards, #6, #9 and #10, moved conditional approval subject to the following conditions:

- The applicant provide design detail and product specification for the replacement shutter;
- The applicant consults with the staff consulting archaeologist prior excavation prior to excavation of the pool to determine if there is potential for archaeology discoveries
- Specification for the area around the plunge pool
- Patio area should be concrete pavers
- The pool enclosure should be raised to above 45"

Ms. Zeno seconded the motion. The motion passed unanimously in a vote of 6-0.

**6. 217 Main Street** – Diane de Laet/Verizon Wireless – Install rooftop antennae (**WITHDRAWN**)

**7. 105 Market Street** – Stephen P. Krohn – Replace existing wooden fence with new wrought iron fence.

Mr. Krohn provided a 1980s circa photograph of the property.

**Staff:** Ms. Craig restated her written comments and recommended approval of the application as submitted.

**Public:** Public testimony opened at 11:28pm and no one else from the public spoke in favor or opposition of the application so **Chair** Kennedy declared the public testimony closed at 11:29pm.

**Commissioners:** There were no questions from the HPC.

The following Commissioners made a site visit on this application.

Name
Kennedy, Leahy, Toews, Zeno, Kabriel

**Chair** Kennedy accepted the following exhibits into the record.

Exhibit Number	Exhibit Types
<b>A</b>	Application date time stamped 8/14/13, 9:35am
<b>B</b>	Staff Memorandum dated 9/5/13
<b>C</b>	Photograph of 105 Market St. Circa, 1980s

**Vice Chair** Leahy noted that whereas the application for 105 Market Street complies with HPC guidelines B.1, C.6, D.1 and D.6, moved approval of the application as submitted. Mr. Kabriel seconded the motion. The motion passed unanimously in a vote of 6-0.

**8. 34 West Street** – Michael Justin Dowling – Construct new addition at rear of building (**WITHDRAWN**)

**H. PRE APPLICATION**

**1. 217 Main Street** - Diane De Laet/Verizon Wireless – Install rooftop antennae.

This pre application was deferred to a future meeting.

**City Dock Master Plan**

**Chair** Kennedy notified members that the City is deliberating the best approach to the City Dock Master Plan and the HPC spent a significant amount of time crafting a detailed response memo. The Mayor has been working with a group of stakeholders in addition to the Council to determine what to do with the plan prior. She has been asked by the Mayor to attend a work session of the City Council to articulate more details on HPC response. She asked if the HPC would give her authority to move forward as the HPC representative at this work session. Members were amenable to her representing the HPC at the work session.

**I. ADJOURNMENT**

With there being no further business, Ms. Zeno moved to adjourn the meeting at 11:52pm. Mr. Toews seconded the motion. The motion passed unanimously in a vote of 6-0.

Tami Hook, Recorder